

REMARKS

Reconsideration of the pending application is respectfully requested in view of the following observations.

The claims remain unchanged over the preliminary amendment which was filed on June 21, 2006.

Claims 1-9 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 7,520,375 (*Ina*). This rejection is respectfully traversed in view of the fact that the pending application relies on an earliest foreign priority date which is the same date as the filing date of *Ina*. Thus, *Ina* was not described in an application before the earliest priority date under 35 U.S.C. 119 of the pending application.

Specifically, the pending application claims the benefit of priority under 35 U.S.C. 119 from DE 103 60 862.1, which was filed on December 23, 2003. The pending application also claims the benefit of priority of PCT/EP2004/014299 which was filed on December 15, 2004.

When considering *Ina*, for the sake of 35 U.S.C. 102(e), relies on the U.S. filing date of December 23, 2003. While *Ina* claims the benefit of priority of Japanese application 2003-029075 having a filing date of February 6, 2003, this priority date cannot be used under 35 U.S.C. 102(e) (see M.P.E.P. 2136.03).

A copy of a translator's verification, an English translation of DE 103 60 862.1, and a copy of the certified copy of DE 103 60 862.1 are enclosed herewith.

It will be noted that the PCT application (German language version) was amended over DE 103 60 862 as follows:

(1) "sichtbar und/oder unsichtbar sein können" was added to page 4, line 26;
and

(2) new claim 7 has been introduced, the subject matter of which is disclosed on page 14, lines 1 to 7 of the DE priority application.

With regard to the English translation of the present U.S. application (which is an English language translation of the German language PCT application) and DE 103 60 862, the changes reflect those discussed above and are as follows:

(1) "be visible and/or invisible" has been introduced on page 3, line 20, of the U.S. application; and

(2) new claim 7 has been introduced based on page 9, lines 23 to 28 of the translation of DE 103 60 862 which corresponds to page 9, lines 25 to 30 of the present U.S. application.

From these observations, withdrawal of the current rejection is respectfully requested.

It will be noted that there was a clerical error at the Patent Office when the previous reply was filed on September 23, 2009, in that the English Translation of DE 103 60 862 was treated as if it was an amendment to the claims, abstract and drawings. Moreover, the written description of DE 103 60 862 was treated as if it was part of the applicant's remarks.

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

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